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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,143	06/09/2000	KOTARO SABE	KOIK-Q9028	5369

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EXAMINER

MARC, MCDIEUNEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,143

Applicant(s)

SABE ET AL.

Examiner

McDieunel Marc

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/24/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-22, 24-33 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 2, 9, 10, 13, 15, 22, 24, 26, 33 and 39 is/are rejected.
- 7) ☒ Claim(s) 3-8, 14, 16-21, 25 and 27-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10, 13-22, 24-33 and 39 have been elected for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 9, 10, 13, 15, 22, 24, 26, 33 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by **Breazeal et al.**.

As per claims 1, 9, 13, 22, 24, 33 and 39, **Breazeal et al.** teaches a system and an associated method including a robot having a behavioral model or a feeling model changed at least based on extraneous factors (see figs. 1, 2 and 9), comprising:

detection means and step for detecting extraneous states (see fig. 1, particularly the cameras), please note that the cameras being considered as detection means;

storage means for storing data (see fig. 3, particularly the Pentium Pro PC); and

write control means for writing pre-set data in said storage means based on a detection signal detected by said detection means and steps (see figs. 1-3, particularly the Pentium Pro PC), note that the PC being considered as means for writing in combination of the CCD cameras; with respect to instinct information based on inner factor (see figs. 2, 4 and 9-12).

With respect to claims 2, 10, 15, 26, Breazeal et al. further teaches a system and an associated method that further comprising means and step for evaluating said detection signal (see fig. 2), note that the “anger, Calm, Disgust, Fear, Happiness, Interest, Sadness, Sleep, Surprise and Tiredness” being considered as means for evaluating the detection signal; said write control means writing said pre-set data in said storage means based on the evaluated results by said evaluation means (see figs. 1-3 as described above). With respect to claims 15 and 26, a system and an associated method, wherein said behavioral model or said feeling model is a status transition model (see fig. 2, wherein transition being considered as changing behavior state); said write control means and step of writing said pre-set data from said storage means based on a pre-set transition state of said status transition model (see figs. 2 and 3 as described above).

4. Claims 3-8, 14, 16-21, 25, and 27-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to teach or fairly suggest with respect to claim 3, a system, wherein said detection means includes pressure measurement means for measuring

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the pressure as the extraneous state; said evaluating means evaluating the pressure information as the detection signal from said pressure measurement means. With respect to claim 4, a system, wherein said detection means includes extraneous data inputting means at which extraneous data is inputted; said write control means writing extraneous input data to said extraneous data inputting means in said storage means. With respect to claim 5, a system that further comprising erasure control means for erasing pre-set data stored in said storage means; said write control means adding characteristics information of said detection signal to said pre-set data to write the resulting signal in said storage means; said erasure control means erasing said pre-set data added to with said characteristics information from said storage means when a pre-set condition consistent with the characteristics information holds. With respect to claim 8, a robot system that further comprising re-arraying means for re-arraying said pre-set data written in said storage means depending on a value of the detection signal associated with said pre-set data. With respect to claim 14, a robot apparatus wherein said detection means includes extraneous data inputting means at which extraneous data is inputted; said write control means writing extraneous input data to said extraneous data inputting means in said storage means. With respect to claim 16, a robot apparatus that further comprising erasure control means for erasing pre-set data stored in said storage means; said erasure control means erasing said pre-set data from said storage means based on said pre-set behavior command or said feeling information. With respect to claim 17, a robot apparatus that further comprising erasure control means for erasing pre-set data stored in said storage means; said write control

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means writing said pre-set data added to with the pre-set information derived from said pre-set behavior command or the feeling information in said storage means; said erasure control means erasing said pre-set information from said storage means when the pre-set condition associated with the pre-set behavior command holds. With respect to claim 20, a robot apparatus that further comprising erasure control means for erasing pre-set data stored in said storage means; said erasure control means erasing said pre-set data from said storage means based on a pre-set transition state of said status transition model. With respect to claim 21, a robot apparatus that further comprising re-arranging means for re-arranging said pre-set data written in said storage means depending on said pre-set behavior command or feeling information associated with said pre-set data. With respect to claim 25, a robot apparatus wherein said detection means includes an extraneous data inputting means in which extraneous data is inputted; said write control means writing the extraneous input data inputted as said pre-set data to said extraneous data input means in said storage means. With respect to claim 27, a robot apparatus that further comprising erasure control means for erasing pre-set data stored in said storage means; said erasure control means erasing said pre-set data from said storage means based on said instinct information. With respect to claim 28, a robot apparatus that further comprising erasure control means for erasing pre-set data stored in said storage means; said write control means writing said pre-set data added to with the pre-set information derived from said instinct information in said storage means; said erasure control means erasing said pre-set information from

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said storage means when the pre-set condition associated with the pre-set behavior command holds. With respect to 31, a robot apparatus that further comprising erasure control means for erasing the pre-set data stored in said storage means; said erasure control means erasing said pre-set data from said storage means based on a pre-set transition state of said status transition model. With respect to claim 32, a robot apparatus that further comprising re-arraying means for re-arranging said pre-set data written in said storage means depending on said instinct information associated with said pre-set data in combination with the other element and features of the claimed invention.

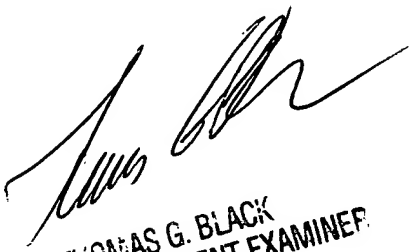
Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (703) 305-4478. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


McDineur Marc
Thursday, August 26, 2004
MM/


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
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